

REMARKS/ARGUMENTS

Claims 1 - 20 are pending in the application.

With regard to the double patenting rejection, although the Examiner did not address Applicants' comments regarding the need for such a terminal disclaimer, nonetheless in order to respond to the rejection a terminal disclaimer is being filed herewith.

The Examiner has rejected claims 1 – 3, 6, 7, 13 –15, 19 and 20 as being anticipated by van Ruiten.

Applicants' claims 1, 19 and 20 provide a liquid-conveying means in which Applicants' energy attenuation apparatus is disposed; furthermore, the liquid-conveying means includes three chambers disposed in series. In view of the requirement that the energy attenuation apparatus be capable of being disposed in the liquid-conveying means, it is respectfully submitted that such liquid-conveying means cannot be either Applicants' tubing T nor van Ruiten's conduit 61. As pointed out in Applicants' previous amendment dated May 14, 2003, Applicants' tubing or conduit T is comparable to van Ruiten's conduit 61, but certainly not Applicants' liquid-conveying means, such as, by way of example, the hose section or liquid-conveying means 23F shown in Figs. 10 and 10a (the Examiner's attention is also directed to Fig. 18 of the present application, which clearly shows the distinction between the tubing T and the liquid-conveying means in which the chambers are disposed).

From the specification and claims of van Ruiten, it is clear that two and only two chambers are ever contemplated. The fact that van Ruiten does not teach or suggest the tube 61 has a chamber is clear from the language in column 5, lines 51 to 54, where it is stated that the tube 61 functions to divide the hose construction 20' into the (two) separate chambers 26' and 27'. In column 5, line 66, the conduit 61 is characterized as an "interconnecting conduit 61" for interconnecting the first hose means 55A and the second hose means 55B. Similarly, in column 6, starting at line 43, van Ruiten refers to power steering fluid filling the first chamber 33' and then passing through the conduit 61 to fill the second chamber means 27'.

In view of the foregoing, since van Ruiten does not teach every element of Applicants' claims, in other words a liquid-conveying means that includes three chambers disposed in series, van Ruiten cannot anticipate Applicants' claims pursuant to MPEP section 2131, nor can van Ruiten suggest such claims pursuant to MPEP section 2143.03.

With regard to Applicants' peripheral aperture, it is respectfully submitted that when the windings of the van Ruiten cable are separated due to the pressure of fluid therein, it is not an aperture in the sense of Applicants' hole that is created, but rather a continuous helical gap.

The Examiner has also rejected claims 19 and 20 as being anticipated by Cooper.

Applicants' claims require that at least one of the chambers provided in the liquid-conveying means contains no tube. Containing no tube means that the chamber is empty (see page 3 of the specification, line 20, as well as page 14, line 5). Therefore, if the claims of the present application indicate that a chamber

contains no tube, such chamber is "empty". It is respectfully submitted that a chamber cannot be empty if it has a spring in it. Any other reading would not be reasonable to one of ordinary skill in the art. From the drawings of the present application, it can be seen that Applicants' empty chambers not only contain no tube, but also contain no other energy attenuation device. If desired by the Examiner, the "empty" language can be introduced into the claims.

The Examiner has also rejected claims 1, 3, 6 – 10 and 16 as being obvious over Cooper, indicating that one of skill in the art could substitute a tube type attenuator for one of the spring attenuators of Cooper. As indicated in Applicants' previous amendment, it would not be obvious to substitute a tube for a spring since the two types of attenuation devices operate entirely differently. The fact that tubes and springs are not interchangeable is supported by Cooper itself, which has a tube in one chamber and springs in two other chambers. The Examiner's attention is also respectfully directed to column 4 of Cooper, starting at line 6, which provides discussion of using other attenuation devices in conjunction with the spring 21.

It is therefore respectfully submitted that Cooper provides no teaching for empty chambers as contemplated by Applicants' claims, nor for any suggestion of substituting a tube instead of a spring. In this connection, the Examiner's attention is directed to MPEP section 2143, second paragraph, which states that the teaching or suggestion to make a claimed combination, and a reasonable expectation of success, must both be found in the prior art, not in Applicants' disclosure.

In view of the foregoing discussion, Applicants respectfully request reconsideration of the allowability of pending claims 1 – 20. In addition, should the Examiner have any further comments or suggestions, the undersigned would very

much welcome a telephone call from him in order to discuss appropriate claim language and to expedite placement of the application into condition for allowance.

Respectfully submitted,



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